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DECISION

THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D.C. 20548

FILE: B-201888

DATE: February 19, 1982

MATTER OF: Tegualda Monreal, M.D. - Time Limitation on  
Return to Country of Residence

**DIGEST:** In order for employee to be reimbursed expenses incident to return travel to former place of residence, travel must be clearly incidental to separation and should commence within reasonable time thereafter. However, where employee was officially advised that she had unqualified 2-year period in which to exercise return rights and where she can demonstrate inability to return contemporaneous with separation to country of permanent residence, due to external political circumstances beyond her control, her entitlement to travel and transportation benefits back to country of permanent residence was preserved. Since return travel was completed in requisite 2-year period and delay in returning was due to circumstances beyond her control, payment is authorized.

This decision is in response to a letter from Dr. Tegualda Monreal, a former visiting scientist with the Center for Disease Control (CDC), Public Health Service, Department of Health and Human Services, in which she appeals part of our Claims Group settlement certificate Z-2812490, dated September 5, 1980. The settlement authorized reimbursement of per diem for the period she spent in Lima, Peru, in 1977 awaiting renewal of her U.S. visa. However, it disallowed Dr. Monreal's claim for travel expenses and transportation of household goods for return travel to Santiago, Chile, after separation for the reason that her return travel was not clearly incidental to her separation as required by 52 Comp. Gen. 407 and 28 Comp. Gen. 285.

For the reasons stated below, the disallowance by our Claims Group is reversed.

Dr. Monreal, a Chilean, was given an excepted appointment in April 1974 as a visiting scientist with the Center for Disease Control in Atlanta, Georgia. She was authorized travel and transportation expenses from Santiago, Chile, to Atlanta, with return rights, pursuant to Public Health Service regulations in 42 C.F.R. § 61.37(b).

In her appeal, Dr. Monreal states that, when she was separated from CDC on October 21, 1977, she was informed that she could delay her return to Chile for up to two years and still maintain her eligibility for travel and transportation expenses. In this regard, Dr. Monreal has furnished our Office with a letter dated July 7, 1978, addressed to her from Dr. Carl Tyler, her supervisor while at CDC, which states that expenses for transporting her household goods will be paid for as long as two years from the date she left CDC. It continued as follows "[t]hat means that without us even asking for an extension on the limit of your transportation expense benefits, those expenses will be covered as long as you move your household goods by October 1979!" Dr. Tyler enclosed a copy of a memorandum dated June 16, 1978, from the CDC personnel office which states that an extension is not necessary provided household goods are transported within 2 years from the effective date of separation.

Dr. Monreal also maintains that her continued residence in the United States after separation from CDC was due to involuntary reasons. She explains as follows:

"\* \* \* I wanted to go back to my country. But the return to Chile meant no hope at all to get an academis (sic) position at any University since I was out of a job after the military coup, September 1973. Still now, all Universities in Chile are under military control. In U.S.A., on the contrary, I was offered a position at the Center for Population and Family Health, Columbia University, Which allowed me to continue giving financial support to my family.

"In addition, I was adviced (sic) by relatives and friends from Chile to do my best to get an extension of my stay in U.S.A., since the state of repression that started in September 1973 has continued during the years after."

Pursuant to 42 U.S.C. § 210(f) (1976), the public Health Service issued regulations, 42 C.F.R. § 61.37(b), under which visiting scientists are entitled to travel and transportation allowances from their place of residence, within or outside the United States, to their first duty station, and from their last duty station to such place of residence. Although the regulation does not specify a time limit for return travel upon separation, CDC advises us that visiting scientists are entitled to the same travel and transportation allowances as authorized by law or regulations for other civilian employees of PHS. Accordingly, Dr. Monreal's return travel is governed by Chapter 2 of the Federal Travel Regulations, FPMR 101-7, May 1973. See B-197635, June 6, 1980. The Federal Travel Regulations provide in paragraph 2-1.5a(2), that:

"All travel, including that for the immediate family, and transportation, including that for household goods allowed under these regulations, shall be accomplished as soon as possible. The maximum time for beginning allowable travel and transportation shall not exceed 2 years from the effective date of the employee's transfer or appointment \* \* \*."

This Office has stated that the travel of an employee upon separation should be clearly incidental to the termination of his assignment and that the travel should commence within a reasonable time after the assignment has been terminated in order for return expenses to be reimbursable. 52 Comp. Gen. 407, 409 (1973); 28 Comp. Gen. 285, 289 (1948). However, both of the cited decisions implicitly recognize that where

an employee, for involuntary reasons which involve circumstances beyond his control, is unable to return home immediately after the date that his assignment to duty has been terminated, his return home may still be found to have been clearly incidental to the termination and within a reasonable time thereafter.

In view of the advice previously given Dr. Monreal that she had two years to exercise return rights and the difficult political situation then in existence in Chile which made her return at the particular time in question impracticable, we find that the 18-month delay in Dr. Monreal's return to Chile was due to political circumstances beyond her control. Under these circumstances, it is clear that Dr. Monreal's return travel was incidental to her termination when viewed within the context of the political situation then existing in her homeland and was performed within a reasonable time.

Accordingly, since Dr. Monreal did complete her return travel within the maximum 2-year period allowed by the Federal Travel Regulations, our Claims Group's disallowance of Dr. Monreal's return travel and transportation expenses is reversed, and payment may be made in accordance with this decision.

*Shilton J. Fowler*  
for Comptroller General  
of the United States